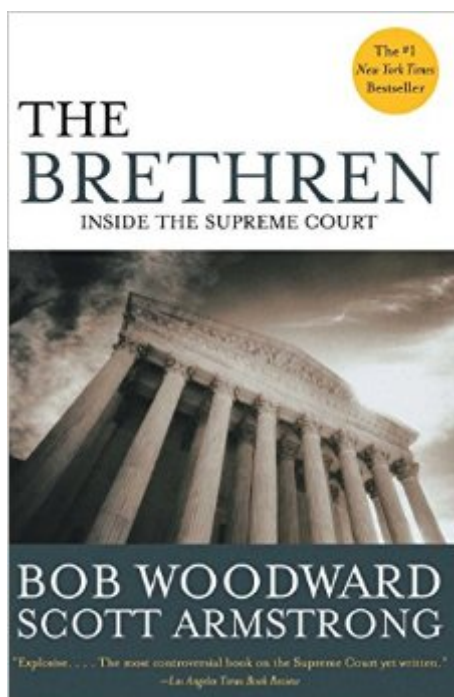


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# The Brethren: Inside The Supreme Court



## Synopsis

The Brethren is the first detailed behind-the-scenes account of the Supreme Court in action. Bob Woodward and Scott Armstrong have pierced its secrecy to give us an unprecedented view of the Chief and Associate Justicesâ€™ maneuvering, arguing, politicking, compromising, and making decisions that affect every major area of American life.

## Book Information

Paperback: 592 pages

Publisher: Simon & Schuster; Reissue edition (July 1, 2005)

Language: English

ISBN-10: 0743274024

ISBN-13: 978-0743274029

Product Dimensions: 5.5 x 1.5 x 8.4 inches

Shipping Weight: 1.2 pounds (View shipping rates and policies)

Average Customer Review: 4.2 out of 5 starsÂ Â  See all reviewsÂ  (99 customer reviews)

Best Sellers Rank: #223,058 in Books (See Top 100 in Books)  #94 inÂ  Books > Politics & Social Sciences > Politics & Government > United States > Judicial Branch  #102 inÂ  Books > Law > Rules & Procedures > Courts  #319 inÂ  Books > Politics & Social Sciences > Politics & Government > Specific Topics > Law Enforcement

## Customer Reviews

Although "The Brethren" was written a quarter of a century ago and it covers the Supreme Court sessions from 1969 to 1975, there are two reasons to hunt down a used copy of this book and read it today. The first is its examination of the important Court decisions of Warren Burger's early years, all of which still reverberate with their controversy and implications. The second is to learn how, in spite of its famously left-of-center decisions, the Court began taking a sharp turn to the ideological right, spurred by the appointment of Burger and by the ascent of the young William Rehnquist. "The Brethren" gave the Burger Court a reputation from which it never quite recovered. Although the Supreme Court has historically had its share of in-fighting, incompetence, and inanity, its internal meltdowns in the 1970s were occasionally beyond the pale. Woodward and Armstrong portray Burger as a well-meaning but ultimately misguided man obsessed by the legacy of Earl Warren, concerned far more with image than with principle, unskilled in management techniques that would have helped bring the Court to a consensus, and unashamed of his repeated attempts to assign the Court's decisions in a fashion insured to thwart the will of the majority. Even today, most historians,

regardless of ideological bent, view the Burger years as a mediocre and often inconsistent transition between the liberal Warren Court and the conservative Rehnquist Court. It's not a perfect book, by any means. Woodward and Armstrong are at their page-turning best when they examine in detail some of the more famous decisions and controversies faced by the Court (busing, obscenity, abortion, the death penalty, and--especially--Watergate).

This is still a must-read for people seriously interested in the Supreme Court. Unfortunately, some of my fellow reviewers had to read this for class or were not interested in the topic, which is really too bad, but these individuals should not be the last word on the issue. I would also like to respond to some of the more outrageous comments from other reviewers: "It is not an easy reading." To those who do not have trouble reading the newspaper, it will be extremely easy reading. In fact, it is written in such a clear style, with short, to-the-point sentences, as to be among the easiest books I have ever read. "The secretive world of the court would be difficult for any journalist to penetrate, and here Woodward and his cohort Armstrong prove themselves not to be up to the task." Whoever wrote this obviously had not come of age when the book was published. The publication of "The Brethren" ranks as probably the most scandalous moment in the history of the Supreme Court, because no one to that date had even come close to gaining the insider access that Woodward and Armstrong did-- and no journalist has gotten this close to the Court since. This is an utterly glib and untrue comment. As close as is humanly possible, Woodward and Armstrong penetrated the Court. "'The Brethren' is, more than any book I've ever read, a product of its times. It reflects the anti-war, anti-establishment, anti-Nixon, pro-activist, and downright revolutionary times of the early 1970s. If you choose to read "The Brethren," you should understand that it takes positions as being either right or wrong. And with political powder kegs (abortion, busing, the Watergate tapes, the death penalty, etc.

Despite being a bit dated, *The Brethren*, by Bob Woodward and Scott Armstrong, remains one of the most illuminating looks at the inner workings of the Supreme Court. And certainly it will remain a very interesting historical look at the court it examines. *The Brethren* attempts to present the reader with what "really" goes on in the Supreme Court. It describes the conferences, the personality of justices, and how justices feel toward each other, items which are generally hidden from the public. Covering the terms from 1969-1975, Woodward and Armstrong gives us a look at the fourteen justices and how they dealt with the major issues facing the court. The book describes how Burger changed his conference votes so he could assign the majority opinion of the court,

angering William Douglas and William Brennan. He also describes how Thurgood Marshall greeted Burger "Hey chiefy baby", getting a kick out of making him feel uncomfortable. The reader sees how Harry Blackmun agonized at being considered Burger's "boy" which eventually led to his breaking away from the conservative wing of the court. Woodward also tells of the lack of respect the justices had for the abilities of Chief Justice Burger, who wrote poorly reasoned opinions that embarrassed some members of the court. The main thesis of the book is how the moderates control the opinions of the court. A majority opinion must have the vote of at least five members of the court, therefore the opinion becomes a compromise between the author of the opinion and his joining brethren. Even when an ideologue writes an opinion, his opinion must be amended to maintain the votes of his brethren.

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